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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
[MODESTO DIVISION]

In re:
NATHAN BENJAMIN DAMIGO,
Debtor.

Chapter Number: 7

Case No. 19-90003-E-7
STATUS REPORT

**ELIZABETH SINES, SETH
WISPELWEY, MARISSA BLAIR,
TYLER MAGILL, APRIL MUNIZ,
HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO,
JOHN DOE, AND CHELSEA
ALVARADO,**

Plaintiffs,

v.

NATHAN BENJAMIN DAMIGO,
Defendant.

Adv. Pro. No. 19-09006-E

STATUS CONFERENCE

Date: October 10, 2024
Time: 2:00 p.m.
Dept.: E

STATUS REPORT

Elizabeth Sines, Seth Wispelwey, Marissa Blair, Tyler Magill, April Muniz, Hannah Pearce, Marcus Martin, Natalie Romero, John Doe, and Chelsea Alvarado (the “**Plaintiffs**”) respectfully submit this Status Report pursuant to the Court’s May 9, 2024 Order Continuing Status Conference (the “**Continuance Order**”) (Dkt. No. 61), which set a status conference for October 10, 2024, and required the parties to file updated status reports on or before October 1, 2024.

Pursuant to the Complaint (the “**Complaint**”) filed commencing this adversary proceeding (the “**Adversary Proceeding**”), Plaintiffs seek a determination that the amount(s) of the damages arising from numerous claims asserted in Plaintiffs’ lawsuit against Nathan Damigo (the “**Defendant-Debtor**”) in the United States District Court for the Western District of Virginia (the “**Virginia District Court**”), Case No. 3:17-cv-00072-NKM (the “**Charlottesville Action**”) are non-dischargeable pursuant to section 523(a)(6) of Title 11 of the United States Code. On February 18, 2019, this Court entered an order (the “**Stay Order**”), staying all proceedings in this Adversary Proceeding, and extending the Defendant’s time to respond to the Complaint, pending further order of the Court.

The Virginia District Court trial commenced on October 25, 2021. A jury verdict in the Charlottesville Action was reached as to certain causes of action and defendants, including the Defendant-Debtor, on November 23, 2021. Specifically, the jury verdict found the Defendant-Debtor liable to Plaintiffs for Virginia state law civil conspiracy and awarded compensatory and punitive damages of at least \$500,000. The jury did not reach a verdict on certain federal causes of action.

Since the time the Court entered the Continuance Order, the Virginia District Court affirmed the jury verdicts and both the plaintiffs and defendants in the Charlottesville Action filed notices of appeal with the United States Court of Appeals for the Fourth Circuit. The appeals were fully briefed, oral argument was held, and the Court of Appeals issued a decision on July 1, 2024 affirming in part, vacating in part, and remanding with instructions back to the Virginia District Court. The parties are awaiting the Virginia District Court to enter a final judgment.

Given the foregoing, including an expectation that the Virginia District Court will issue a final judgment within the next two months, the Plaintiffs request and respectfully ask the Court to continue the Status Conference until late January 2024, a point at which the parties may have more information

1 on the conclusion of the Virginia District Court case.

2 Dated: September 26, 2024

Respectfully submitted,

3 COOLEY LLP

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By: /s/ Robert L. Eisenbach III

Robert L. Eisenbach III

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Attorneys for Plaintiffs

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PROOF OF SERVICE
(FRCP 5)

I am over the age of eighteen years, and not a party to the action. My business address is Cooley LLP, 3 Embarcadero Center, 20th Floor, San Francisco, California 94111. On the date set forth below I served the documents described below on the following parties in this action in the manner described below at the direction of a member of the bar of this Court:

• **STATUS REPORT**



(BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Francisco, California.

Nathan Benjamin Damigo
14773 Orange Blossom Rd
Oakdale, CA 95361
(Debtor)
PRO SE



(BY CM/ECF NOTICE OF ELECTRONIC FILING) I caused said document(s) to be served by means of this Court's electronic transmission of the Notice of Electronic Filing through the Court's transmission facilities, to the parties and/or counsel who are registered CM/ECF Users set forth in the service list obtained from this Court.

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(U.S. Trustee)

Executed on September 26, 2024.

Mollie Canby

Mollie Canby